IN THE DISTRICT COURT OF THE UNITED STATES FOR THE

MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

DONALD BELL and   )
KATRINA BELL,   )
)
    Plaintiff,   )
)   CIVIL ACTION NO.
    v.   )   2:05cv658-T
)
TRAVELERS PROPERTY   )
CASUALTY INSURANCE COMPANY,)
)
    Defendant.   )

ORDER

The allegations of the notice of removal are insufficient to invoke this court's removal jurisdiction under 28 U.S.C.A. §§ 1332 (diversity of citizenship) 1441 (removal). To invoke removal jurisdiction based on diversity, the notice of removal must distinctly and affirmatively allege each party's citizenship. McGovern v. American Airlines, Inc., 511 F. 2d 653, 654 (5th Cir. 1975) (per curiam). The allegations must show that the citizenship of each plaintiff is different from that of each defendant. 28 U.S.C.A. § 1332; see also 2 James Wm. Moore,

et al., Moore's Federal Practice ¶ 8.03[5][b] at 8-10 (3d ed. 1998).

The notice of removal fails to meet this standard. The notice gives the "residence" rather than the "citizenship" of the plaintiffs. An allegation that a party is a "resident" of a State is not sufficient to establish that a party is a "citizen" of that State. Delome v. Union Barge Line Co., 444 F.2d 225, 233 (5th Cir.), cert. denied, 404 U.S. 995, 92 S.Ct. 534 (1971).

Furthermore, the removal notice is insufficient because it does not indicate the citizenship of corporate defendant Travelers Property Casualty Insurance Company. The notice must allege the citizenship of both the State of incorporation and where the corporation has its principal place of business. See 28 U.S.C.A. § 1332(c)(2); American Motorists Ins. Co. v. American Employers' Ins. Co., 600 F.2d 15, 16 and n.1 (5th Cir. 1979) (per curiam).

It is therefore the ORDER, JUDGMENT, and DECREE of the court that the defendant has until August 22, 2005, to amend

the notice of removal to allege jurisdiction sufficiently,

see 28 U.S.C.A. § 1653; otherwise this lawsuit shall be

remanded to state court.

DONE, this the 4th day of August, 2005.

_____/s/ Myron H. Thompson_____
UNITED STATES DISTRICT JUDGE